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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,607	08/16/2005	Paolo Bazzica	P17045US1	2614
27045	7590	12/28/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			LOFTIN, CELESTE	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/519,607	BAZZICA, PAOLO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Celeste L. Loftin	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2002.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-4, 6-7, 13-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahola et al. (Ahola), **Publication WO9918713**.

Regarding claim 1, Ahola discloses a method for changing the service level for a subscriber in an electronic communication network, comprising the steps of:

creating one or more voucher records (it is noted that even only four different records are disclosed it is possible to have a greater number or less records in one database) (**page 12 lines 5-10**) for one or more services (the money will be loaded from the voucher to a temporary user account, and thus the charging and the temporary use of the services of that operator will be enabled) (**page 16 lines 16-24**), wherein each record comprises a voucher quantity of vouchers (the record comprises a voucher number in field 242 for *that given* voucher (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**) and an identification parameter for association with one or more services (the record comprises a voucher secret code for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**), and

associating said one or more records with a subscriber for usage by said subscriber when utilizing service (when a call is in route the service asks for the voucher account number and may also ask for a secrecy code and/or PIN number (person identification number)) (**page 14 lines 32-37 and page15 line 1-4**).

Regarding claim 2, Ahola discloses the method according to claim 1, further comprising the steps of:

creating one or more rating records in a rating structure for storage of a fee of units to be charged for service usage (the voucher record contains the amount of money stored in that given) (**page 12 lines 28-33**), further comprising a voucher type identification (the record comprises a voucher secret code for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page12 lines 28-32**) and a voucher quantity (the record comprises a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**), specifying the type and the quantity of vouchers corresponding to said fee for a particular service (the record comprises a voucher secret code and a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**).

Regarding claim 3, Ahola discloses the method according to claim 1, further comprising the steps of:

creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted to rate an interval and charging interval to be rated (the loading operation is accomplished by reducing the amount of pulses in the voucher

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record and correspondingly is loaded by adding the corresponding amount of pulses therein (the arrangement further includes exchange rate scales (i.e. rate interval) or other suitable conversion means (i.e. charge interval) for converting the same calculation pulses) (**page 11 lines 26-32**) , a voucher type identification (the record comprises a voucher secret code for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**) and a voucher quantity of vouchers (the record comprises a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**), specifying the type and the quantity of vouchers corresponding to the rate for said interval (the record comprises a voucher secret code and a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**).

Regarding claim 4, Ahola discloses the method according to claim 2, further comprising the steps of:

receiving an incoming charging request from a service element (when a call is placed and the balance exceeds a certain threshold value a message is sent to the caller asking him/her to load additional money to the user account) (**page 14 lines 18-25**)

analysing said rating structure for said charging request (the service may ask for a voucher number and if it is invalid or non existing the user will be allowed to input the number again) (**page 14 lines 35-37 page 15 lines 6-15**),

if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request (the service asks for the voucher number and if the number inputted is correct the service converts the desired amount to the units used by the prepayment service) (**page 14 lines 35-37 page 15 lines 6-15**),

if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record, is available for said user (the service asks for the voucher number and if the number inputted is incorrect or invalid after a cert predefined number of attempts the user account will be blocked (making it unavailable to the user)) (**page 14 lines 35-37 page 15 lines 6-15**),

decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service (if the voucher number is correct then the amount in used units such as pulses is reduced from the voucher account and correspondingly added to the actual user account) (**page 14 lines 35-37 page 15 lines 6-15**).

Regarding claim 6, Ahola discloses the method according to claim 1, wherein said voucher records is arranged in a list associated with said subscriber (in the intelligent network, the databases for various accounts for the users are generally implements within the SCP (the SCP monitors the calls and accomplishes the charging operation form the user related debit accounts), the loading operation is accomplished by reducing the amount of pulses in the voucher record and correspondingly the user

account is loaded by adding a corresponding amount of pulses there in) (**page 11 lines 8-12 and 19-25**).

Regarding claim 7, Ahola discloses the method according to claim 1, wherein said voucher records has an expiry date (the vouchers may have a predefined expiry date) (**page 16 lines 10-12**).

Regarding claim 13, Ahola discloses a system for changing the service level for a subscriber in an electronic communication network, comprising:

means for creating one or more voucher records (it is noted that even only four different records are disclosed it is possible to have a greater number or less records in one database) (**page 12 lines 5-10**) for one or more services (the money will be loaded from the voucher to a temporary user account, and thus the charging and the temporary use of the services of that operator will be enabled) (**page 16 lines 16-24**), wherein each record comprises a voucher quantity of vouchers (the record comprises a voucher number in field 242 for *that given* voucher (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**) and an identification parameter for association with one or more services (the record comprises a voucher secret code for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**), and

means for associating said one or more records with a subscriber for usage by said subscriber when utilizing service (when a call is in route the service asks for the voucher account number and may also ask for a secrecy code and/or PIN number (person identification number)) (**page 14 lines 32-37 and page 15 line 1-4**).

Regarding claim 14, Ahola discloses the system according to claim 13, further comprising:

means for creating one or more rating records in a rating structure for storage of a fee of units to be charged for service usage (the voucher record contains the amount of money stored in that given) (**page 12 lines 28-33**),

further comprising a voucher type identification (the record comprises a voucher secret code for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**) and a voucher quantity (the record comprises a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**), specifying the type and the quantity of vouchers corresponding to said fee for a particular service (the record comprises a voucher secret code and a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**).

Regarding claim 15, Ahola discloses the system according to claim 13, further comprising:

means for creating one or more rating records in a rating structure for storage of an amount or rate of units to be deducted to rate an interval and charging interval to be rated (the loading operation is accomplished by reducing the amount of pulses in the voucher record and correspondingly is loaded by adding the corresponding amount of pulses therein (the arrangement further includes exchange rate scales (i.e. rate interval) or other suitable conversion means (i.e. charge interval) for converting the same calculation pulses) (**page 11 lines 26-32**), a voucher type identification (the record

comprises a voucher secret code for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**) and a voucher quantity of vouchers (the record comprises a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**), specifying the type and the quantity of vouchers corresponding to the rate for said interval (the record comprises a voucher secret code and a voucher number in field 242 for *that given voucher* (meaning that there is a quantity of vouchers to be used)) (**page 12 lines 28-32**).

Regarding claim 16, Ahola discloses the system to claim 14, further comprising:  
means for receiving an incoming charging request from a service element (when a call is placed and the balance exceeds a certain threshold value a message is sent to the caller asking him/her to load additional money to the user account) (**page 14 lines 18-25**)

means for analysing said rating structure for said charging request (the service may ask for a voucher number and if it is invalid or non existing the user will be allowed to input the number again) (**page 14 lines 35-37 page 15 lines 6-15**),

if there is a condition in said rating structure for said request, finding a resulting rating record for return to said request (the service asks for the voucher number and if the number inputted is correct the service converts the desired amount to the units used by the prepayment service) (**page 14 lines 35-37 page 15 lines 6-15**),

if said rating record comprises a voucher type identification and if a record having an identification corresponding to said voucher type identification of said rating record,

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is available for said user (the service asks for the voucher number and if the number inputted is incorrect or invalid after a cert predefined number of attempts the user account will be blocked (making it unavailable to the user)) (**page 14 lines 35-37 page 15 lines 6-15**),

means for decreasing the voucher quantity of said voucher record with a value corresponding to the consumed service (if the voucher number is correct then the amount in used units such as pulses is reduced from the voucher account and correspondingly added to the actual user account) (**page 14 lines 35-37 page 15 lines 6-15**).

Regarding claim 18, Ahola disclose the system according to claim 13, wherein said voucher records are arranged in a list associate with said subscriber (in the intelligent network, the databases for various accounts for the users are generally implements within the SCP (the SCP monitors the calls and accomplishes the charging operation form the user related debit accounts), the loading operation is accomplished by reducing the amount of pulses in the voucher record and correspondingly the user account is loaded by adding a corresponding amount of pulses there in) (**page 11 lines 8-12 and 19-25**).

Regarding claim 19, Ahola discloses the system according to claim 13, wherein said voucher records have an expiry date (the vouchers may have a predefined expiry date) (**page 16 lines 10-12**).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5, 8-10, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahola et al. (Ahola), **Publication WO9918713**, in view of Rand et al. (Rand), **Publication WO0139092**.

Regarding claim 5, Ahola discloses the method according to claim 3, but fails to disclose wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers.

In similar endeavor, Rand discloses wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers (in one embodiment the positive value fee is calculated based on the number of minutes the media is played (a percentage)) (**page 10 lines 10-16**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers.

Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 8, the combination discloses the method according to claim 5 and further discloses wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available (the calculation for the fee for viewing the media maybe based on a fixed fee accrued on a time interval by time interval or frame segment by frame segment basis or by a variable fee based on the content of the media) (**page 10 10-25**), the voucher record or unit of payment is selected for decrease according to said priority order (if the user or subscriber fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) (**page 11 lines 12-16 and 25-34**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available, the voucher record or unit of payment is selected for decrease according to said priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 9, the combination discloses the method according to claim 8. Rand further discloses wherein said priority order is modified by the subscriber (if the subscriber (fees are base on the actions of the subscriber) fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) (**page 11 lines 12-16 and 19-34**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said the subscriber modifies priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 10, Ahola discloses the method according to claim 1, but fails to discloses wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value.

In a similar field of endeavor, Rand discloses said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value (reads on the types of fees could be as fee units based on various factors such as type, content or additional fees) (**page 9 lines 16-27**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 17, Ahola discloses the method according to claim 15, but fails to disclose wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers.

In similar endeavor, Rand discloses wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers (in one embodiment the positive value fee is calculated based on the number of minutes the media is played (a percentage)) (**page 10 lines 10-16**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said rating records have a discount percentage value that fixes the maximum percentage of the service usage that is payable using the vouchers for a particular service that can be paid using the vouchers. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 20, the combination discloses the method according to claim 17 Rand further discloses wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available (the calculation for the fee for viewing the media maybe based on a fixed fee accrued on a time interval by time interval or frame segment by frame segment basis or by a variable fee based on the content of the media) (**page 10 10-25**), the voucher

record or unit of payment is selected for decrease according to said priority order (if the user or subscriber fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) (**page 11 lines 12-16 and 25-34**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein, if a priority order for the usage of said voucher record, having a voucher type identification corresponding to said voucher type identification of said rating record, or another unit of payment associated with said subscriber is available, the voucher record or unit of payment is selected for decrease according to said priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 21, the combination discloses the method according to claim 19. Rand further discloses wherein said priority order is modified by the subscriber (if the subscriber (fees are base on the actions of the subscriber) fast-forwards past the commercial advertisement to point 103 the subscriber will only be granted a negative value fee based on what was viewed (meaning the priority is given to the frame by frame instead of time-interval by time-interval)) (**page 11 lines 12-16 and 19-34**).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said the subscriber modifies priority order. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

Regarding claim 22, Ahola discloses the method according to claim 13, but fails to discloses wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value.

In a similar field of endeavor, Rand discloses said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value (reads on the types of fees could be as fee units based on various factors such as type, content or additional fees) (page 9 lines 16-27).

At the time of invention it would have been obvious to one of ordinary skill in the art to further modify Ahola to include wherein said quantity or unit is a number of SMS, EMS, MMS, volume of data, time of service or a monetary value. Motivation for this modification would have been provide the user with Internet access and the like at a more reasonable and controllable rate.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL

  
JENNIFER K. CONTEE  
PATENT EXAMINER